

A RESOLUTION

BY TRANSPORTATION COMMITTEE

04-*R*-0640

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE AN AMENDATORY AGREEMENT WITH DELTA AIR LINES, INC. ("DELTA"), COVERING THE TEMPORARY SURRENDER TO THE CITY OF APPROXIMATELY 5.8424 ACRES OF LAND, AND THE PERMANENT SURRENDER TO THE CITY OF APPROXIMATELY 5.9946 ACRES OF LAND, LEASED TO DELTA BY THE CITY UNDER THE AMENDED AND RESTATED LEASE AGREEMENT, DATED DECEMBER 1, 1989, FOR DELTA'S TECHNICAL OPERATIONS CENTER AND CENTRAL TERMINAL SUPPORT AREA AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") and Delta Air Lines, Inc. ("Delta") are parties to an Amended and Restated Lease Agreement ("TOC/CTSA Lease"), dated December 1, 1989, for Delta's Technical Operations Center and Central Terminal Support Area, which serves as Delta's primary aircraft maintenance facility at Hartsfield-Jackson Atlanta International Airport ("H-JAIA"); and

WHEREAS, the City has undertaken the design and construction of the Maynard Holbrook Jackson Jr. International Terminal (MHJIT) and related aircraft ramp, entrance roadway, and vehicle parking facilities, to improve service to international airlines and their passengers at H-JAIA; and

WHEREAS, the City requires the use of a portion of Delta's TOC/CTSA Leased Premises in connection with the MHJIT site development projects, and Delta is ready and willing to temporarily surrender approximately 5.8424 acres of land to support the temporary relocation of the AGT/FIS parking facility, the Georgia Power Substation relocation laydown/staging area, and the eastern half of the Georgia Power duct bank system, for various periods of time expected not to exceed forty-eight (48) months during which time periods land rentals will be abated in the approximate total amount of \$44,300; and is further ready and willing to permanently surrender approximately 5.9946 acres of land to support the relocation of the Georgia Power Substation (Delta Substation), the Utility Corridor, and the Non-Licensed Vehicle Road area; all as more particularly shown on a drawing attached hereto as Exhibit A; and

WHEREAS, the City and Delta desire and intend to enter into an agreement amending the TOC/CTSA Lease and memorializing the surrender of those portions of Delta's TOC/CTSA Leased Premises needed for the MHJIT site development (the "Third Amendment"); and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee be and is hereby authorized to execute on behalf of the City of Atlanta a Third Amendment with Delta Air Lines, Inc., which shall provide for the surrender by Delta to the City of approximately 5.8424 acres of land on a temporary basis with a rental abatement during the time period of the temporary surrender in the approximate total amount of \$44,300; and the surrender of approximately 5.9946 acres of land on a permanent basis, within its Leased Premises under

the Amended and Restated Lease Agreement for the Technical Operations Center and Central Terminal Support Area at Hartsfield-Jackson Atlanta International Airport, and for the temporary continued use by Delta of Georgia Power duct bank system for time periods that will not exceed one (1) year thereafter.

BE IT FURTHER RESOLVED, that the City Attorney be and is hereby directed to prepare said Third Amendment for execution by the Mayor.

BE IT FINALLY RESOLVED, that said Third Amendment shall not become binding upon the City, and the City shall incur no obligation or liability thereunder until the same has been signed by the Mayor and delivered to Delta.

EXHIBIT A

